

Fresno, California

February 24, 2004

The City Council met in regular session at the hour of 8:31 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Brad Castillo	Council President

Dan Hobbs, City Manager
Andy Souza, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Senior Pastor Jeffrey Harrington, Central Community Church, gave the invocation, and President Castillo led the Pledge of Allegiance to the Flag.

PROCLAMATION OF AREA 1 YOUTH COMMISSION DAY - ACTING PRESIDENT PEREA

PROCLAMATION OF CENTRAL CALIFORNIA CHAPTER OF THE LEUKEMIA AND LYMPHOMA SOCIETY DAY - PRESIDENT CASTILLO

CERTIFICATE OF RECOGNITION TO MARGE HINKLEY IN HONOR OF HER 95TH BIRTHDAY - MAYOR AND CITY COUNCIL
PRESENTATION TO PLANNING & DEVELOPMENT DIRECTOR YOVINO BY CITY MANAGER HOBBS

The above proclamations and certificates were read and presented.

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APPROVE MINUTES:

On motion of Councilmember Sterling, seconded by Acting President Perea, duly carried, RESOLVED, the minutes of February 10, 2004, approved as submitted.

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COUNCIL MEMBER REPORTS AND COMMENTS:

ANNOUNCEMENT OF HOSTING OF FINANCIAL AID WORKSHOP ON FEBRUARY 26, 2004, IN THE COUNCIL CHAMBER, FOR THOSE PLANNING TO ATTEND COLLEGE NEXT YEAR - COUNCILMEMBER STERLING

Announcement made.

COMMENDATION TO COUNCILMEMBER DAGES FOR HOSTING THE CHARITABLE POKER TOURNAMENT AT CLUB ONE - COUNCILMEMBER STERLING

Commendation made with Councilmember Sterling speaking to the fun time that was had by all who attended and participated and added this was her first time playing poker and she placed third in the tournament.

Councilmember Calhoun stated he had no knowledge of what was going on, stated people were “clamming up”, and stressed if there was a problem someone needed to speak up as this was unfair to the elected officials and city employees.

COMMENDATION TO POLICE DEPARTMENT FOR THEIR PROFESSIONALISM/WORK IN FOLLOWING UP ON LOST WALLET AND ILLEGAL CHARGES - COUNCILMEMBER CALHOUN

Councilmember Calhoun commended the police for their outstanding work and advised their follow-up on a store’s videotape resulted in the arrest of three people for using his credit cards.

SUCCESSFUL POKER TOURNAMENT AT CLUB ONE - COUNCILMEMBER DAGES

Councilmember Dages spoke to the success of the tournament and concurred a grand time was had by all who attended, spoke to the charities who benefitted and advised the money was matched by Club One, thanked Budget staff for their assistance and work with the paper trail and accounting, and added the event would be held again next year. Councilmember Duncan commended Councilmember Dages for putting on the tournament and stated this was a creative to raise money for the charities.

ANNOUNCEMENT OF FIRST AID AND CPR WORKSHOP/REFRESHER COURSE PUT ON BY DISTRICT 4 AND FRESNO FIREFIGHTERS TO BE HELD AT THE DISTRICT 4 SATELLITE OFFICE (550 E. SHAW) ON FEBRUARY 28, 2004 - ACTING PRESIDENT CASTILLO

Announcement made.

REQUEST FOR CITY ATTORNEY TO HIRE OUTSIDE COUNSEL AND REPORT BACK ON THE FBI INVESTIGATION - PRESIDENT CASTILLO

President Castillo stated he agreed with Councilmember Calhoun’s concern and he wanted outside counsel hired to conduct an investigation, noted Operation Rezone was a cloud over the city of Fresno for six years **(2 - 0)** and he wanted to send a strong message to the community that this Council and Administration have done nothing wrong, and spoke briefly to the good things that were happening in Fresno and how this put a dark cloud over the city. City Attorney Montoy recommended against doing anything that would interfere with the FBI’s investigation and stated she would meet with President Castillo and Mayor Autry on the request and advised something may or may not come back to Council.

APPROVE AGENDA:

(1-F) AWARD A CONTRACT TO FORD CONSTRUCTION COMPANY, INC., OF LODI, FOR PHASE ONE OF THE FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT AIR CARGO PARK DEVELOPMENT

Removed from the agenda by staff due to an appeal that was filed.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the AGENDA hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

ADOPT CONSENT CALENDAR:

competitive bid was being waived with Item **1-B**, relative to Item **1-D** stated the jobs should be made available to the public, stated the current vacant positions should be filled first on Item **1-H**, and expressed health and public safety concerns with the landfill in Item **1-K**.

(1-A) APPROVE AN AGRICULTURAL LEASE AGREEMENT WITH STEPHEN AND ANALISA ENGLAND, HUSBAND AND WIFE, FOR 158 ACRES OF CITY-OWNED LAND AT THE REGIONAL WASTEWATER RECLAMATION FACILITY AT THE LEASE RATE NOTED ON ATTACHMENT "A" OF THE STAFF REPORT, AND AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES TO EXECUTE THE LEASE AGREEMENT ON BEHALF OF THE CITY

(1-B) RESOLUTION NO. 2004-53 - WAIVING THE COMPETITIVE BIDDING REQUIREMENTS FOR THE REPAIR OF STRUCTURAL DAMAGE TO THE FLOW SPLIT STRUCTURE AT THE FRESNO/CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY (RWRF)

(1-C) RESOLUTION NO. 2004-54 - 58TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$20,700 FOR SPECIAL PROJECTS IN THE FACILITIES MANAGEMENT DIVISION (RENOVATION OF THE CHAFFEE ZOO'S SUNDA FOREST EXHIBIT CLASSROOM, FUNDING TO BE PROVIDED BY THE FRESNO ZOOLOGICAL SOCIETY)

Councilmember Calhoun acknowledged there were critical needs at the zoo but requested staff not start spending money and wait for the Zoo Commission's report to Council.

(1-D) AWARD A THREE-YEAR CONTRACT WITH TWO (2) ONE-YEAR EXTENSIONS TO ABM JANITORIAL SERVICES-NORTHERN CALIFORNIA D.B.A. ABM JANITORIAL SERVICES, INC., OF FRESNO, IN THE AMOUNT OF \$362,412.52 TO PROVIDE CUSTODIAL SERVICES AT FRESNO CITY HALL

(1-E) AWARD A CONTRACT TO BILL NELSON GENERAL ENGINEERING CONSTRUCTION, INC., OF FRESNO, IN THE AMOUNT OF \$136,000 FOR TWELVE NEW ACCESS STRUCTURES IN THE WASTEWATER COLLECTION SYSTEM

(1-G) AWARD A CONTRACT TO GRAHAM PREWETT, INC., OF FRESNO, IN THE AMOUNT OF \$74,000 TO RE-ROOF TWO BUILDINGS AT THE CITY'S MUNICIPAL SERVICE CENTER LOCATED AT "G" STREET AND ELDORADO

(1-H) RESOLUTION NO. 2004-55 - 67TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$114,100 TO FUND EIGHT ADDITIONAL FIREFIGHTER POSITIONS BEGINNING APRIL 1, 2004, FOR THREE MONTHS (EQUATING TO TWO FULL-TIME EQUIVALENTS - FTEs)

1. RESOLUTION NO. 2004-56 - 7TH AMENDMENT TO PAR 2003-210 ADDING EIGHT FIREFIGHTER POSITIONS TO THE FIRE DEPARTMENT FOR THREE MONTHS

(1-I) ADOPT RESOLUTION OF INTENTION NO. 1032-D SETTING A PUBLIC HEARING FOR MARCH 30, 2004, AT 10:00 A.M., TO CONSIDER THE VACATION OF PORTIONS OF WELDON, GLENN AND CALAVERAS AVENUES AND A PORTION OF THE WELDON-NORMAL ALLEY

(1-J) APPROVE THE SALE OF AN EASEMENT TO CALTRANS IN THE AMOUNT OF \$10,500 FOR ACCESS AND DRAINAGE PURPOSES ACROSS THE SUGAR PINE TRAIL AT STATE HIGHWAY 41 AND NEES AVENUES, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR ASSISTANT DIRECTOR TO EXECUTE ALL APPROPRIATE DOCUMENTS TO COMPLETE THE TRANSACTION

(1-K) APPROVE THE SEVENTH AMENDMENT TO THE AGREEMENT WITH CAMP, DRESSER & MCKEE INC., (CDM) FOR \$184,400 FOR ENVIRONMENTAL ENGINEERING SERVICES RELATING TO GROUNDWATER REMEDIATION ACTIVITIES AT THE FSL SUPERFUND SITE, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO SIGN THE AMENDMENT ON BEHALF OF THE CITY

(1-L) APPROVE THE PURCHASE OF 10,287 SQUARE FEET OF LAND FROM PROPERTY OWNED BY HERITAGE CENTRE LLC AT THE NORTHWEST CORNER OF E. SHIELDS AND N. MILLBROOK AVENUES FOR THE PRICE OF \$61,800, AND AUTHORIZE THE ASSISTANT PUBLIC WORKS DIRECTOR TO ACCEPT THE GRANT DEED AND EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION

(1-M) ADOPT MEMORANDUM OF UNDERSTANDING (MOU) WITH THE POLICE OFFICERS ASSOCIATION (FPOA UNIT 04), COVERING THE PERIOD JULY 1, 2003, THROUGH JUNE 30, 2006

Councilmember Boyajian commended staff on the MOU and for resolving issues.

(1-N) RESOLUTION NO. 2004-57 - 65TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$130,100 FROM CONTINGENCY AND AN ADDITIONAL \$134,900 FOR THE PURPOSE OF FUNDING THE REIMBURSEMENT TO THE STATE OF CALIFORNIA FOR UNEMPLOYMENT INSURANCE BENEFITS FOR THE REMAINDER OF FY 2004

(1-O) APPROVE AMENDMENT NO. 2 TO THE AGREEMENT WITH REINARD W. BRANDLEY ENGINEERING FOR DESIGN CONSULTANT SERVICES FOR THE FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT AIR CARGO IMPROVEMENT PROJECT, AND AUTHORIZE THE INTERIM DIRECTOR OF TRANSPORTATION TO EXECUTE THE SAME ON BEHALF OF THE CITY

(1-P) RESOLUTION NO. 2004-58 - 64TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$162,000 IN DONATIONS FOR THE CHAFFEE ZOO (REVENUES FROM THE DOLLARS FROM ANGELS CAMPAIGN)

(1-Q) APPROVE A THREE YEAR AGREEMENT FOR CONVENTION SALES AND SERVICES BETWEEN SMG AND THE FRESNO CONVENTION AND VISITORS BUREAU (CVB)

(1-R) BILL NO. B-13 - INTRODUCTION OF BILL AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE ADDING "BOOKSTORE, NOT TO EXCEED 2,000 SQUARE FEET OF FLOOR AREA" TO THE C-P ZONE DISTRICT SUBJECT TO A CONDITIONAL USE PERMIT (CUP), AND SETTING A HEARING MARCH 9, 2004, AT 10:30 A.M. FOR ADOPTION

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote;

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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(3-B) ESTABLISH THE SAME FOUR (4) HOUR RULE FOR WORK REQUESTS BY THE CITY COUNCIL FOR THE CITY CLERK'S OFFICE, AS WE NOW HAVE FOR THE CITY ATTORNEY'S OFFICE, AND IF THE CITY CLERK EXPECTS A WORK REQUEST BY A COUNCIL MEMBER TO TAKE MORE THAN FOUR HOURS TO COMPLETE, THE REQUEST WILL BE PLACED BEFORE THE CITY COUNCIL FOR APPROVAL - COUNCILMEMBER DUNCAN

Briefly reviewed by Councilmember Duncan who stated the intent was to help the City Clerk's office with prioritization and to insure Council requests do not overwhelm the department, and made a motion to approve the rule.

Barbara Hunt, 2475 S. Walnut, spoke in support.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, a four hour rule for work requests by the City Council for the City Clerk's office hereby established, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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(3-A) DIRECT STAFF TO RESEARCH AND DEVELOP A SUSTAINABLE BUILDING POLICY PERTAINING TO BUILDINGS OWNED AND OPERATED BY THE CITY AND RETURN IN 45-60 DAYS WITH A PROPOSED ORDINANCE, AND RESEARCH AND DEVELOP ENVIRONMENTAL PROCESSING INCENTIVES FOR HOUSING DEVELOPMENTS - ACTING PRESIDENT PEREA

Acting President Perea reviewed the issue as contained in his report to Council and made a motion to direct staff as outlined above.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Councilmember Sterling spoke in support of the issue and thanked Councilmember Perea for bringing it forward. Councilmember Calhoun stated the issue made sense but noted this was not a “have to do” matter and he wanted to insure this work request would not affect staff’s work on other issues. City Manager Hobbs stated this looked like a major project and expressed a concern with the timeframe noting the next six weeks would be “March Madness” with the budget. Councilmember Duncan questioned if an ordinance was necessary or if staff could structure this as a city policy, with City Attorney Montoy stating it would be easier for staff if it was mirrored after the city of San Jose’s as a policy. Councilmember Duncan stated sufficient time was needed to do the matter justice and recommended the timeframe be loosened and staff be directed to report back with a policy and not an ordinance. Councilmember Perea advised staff originally gave him the timeframe and upon question Planning & Development Director stated the 45-60 days would be reasonable to report back with a policy but the ordinance process and implementation would take longer. Councilmember Perea amended his motion to direct staff to return in 45-60 days with a policy.

Councilmember Boyajian stated more information was needed, there was a need to interpret what everything meant and explained, and presented questions relative to what the ramifications would be to the city and to the industry, how the buildings would mitigate pollution, and how this had been implemented in San Jose, and emphasized more information was needed. Councilmember Calhoun concurred and stated there was no rush to judgment and requested staff report back in 2-3 weeks with more information so Council can then make an informed decision. Councilmember Boyajian noted the arts commission item was a good example of total confusion and explained and stated Council needed to do its homework instead of passing matters on to staff. Acting President Perea stated his request was only the first step and was no different from what Council does other times and added staff was aware of the issue and potential policy. Ms. Montoy responded to questions of President Castillo relative to the difference between a policy and ordinance, if enactment of a policy would result in additional costs, who would be responsible for any additional costs, if a policy was the first step, and if an ordinance could be called for down the road.

On motion of Acting President Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, staff directed to research and develop a sustainable building policy pertaining to buildings owned and operated by the City and return in 45-60 days with a proposed *policy*, and research and develop environmental processing incentives for housing developments, by the following vote:

Ayes :	Dages, Duncan, Perea, Sterling, Castillo
Noes :	Boyajian
Absent :	None
Abstain :	Calhoun

(9:55 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY AND THE FRESNO RECREATIONAL FACILITIES FINANCING AUTHORITY

The City Council met in joint session with the Agency and the Authority at the hour of 9:55 a.m.

APPROVE AGENCY MINUTES OF FEBRUARY 10, 2004

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the Agency minutes of February 10, 2004, approved as submitted.

(“A”) APPOINT ONE (1) MEMBER TO FILL THE VACANCY ON THE FRESNO RECREATIONAL FACILITIES FINANCING AUTHORITY (FRFFA) (AGENCY ACTION)

Upon question, City Attorney Montoy advised the appointment was to be made by the Redevelopment Agency and spoke briefly to the background of the FRFFA and duties of the position.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

On motion of President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, Acting President Perea appointed

to the Fresno Recreational Facilities Financing Authority, by the following vote:

143-59

2/24/04

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

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The City Council reconvened in regular session at 10:04 a.m.

(10:00 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 60, FINAL TRACT MAP NO. 5098

- 1. RESOLUTION NO. 2004-59 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION NO. 2004-60 - CALLING A SPECIAL MAILED BALLOT ELECTION**
- 3. RESOLUTION NO. 2004-61 - DECLARING ELECTION RESULTS**
- 4. BILL NO. B-14 - ORDINANCE NO. 2004-14 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS**

President Castillo announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirm reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke to the issue and expressed concerns **(3 - 0)**.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Mr. Kirm responded to questions/comments of Councilmember Dages to relative to availability of funds to replace greenery (trees, shrubs, etc.), concern with dead greenery at the Centex subdivision at Church and Clovis Avenues, and why these fees differed from the fees in the next two annexations.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2004-59, 2004-60 and 2004-61 hereby adopted, and the above entitled Bill No. B-14 adopted as Ordinance No. 2004-14, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

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(10:05 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 61, FINAL TRACT MAP NO. 4598

- 1. RESOLUTION NO. 2004-62 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION NO. 2004-63 - CALLING A SPECIAL MAILED BALLOT ELECTION**
- 3. RESOLUTION NO. 2004-64 - DECLARING ELECTION RESULTS**
- 4. BILL NO. B-15 - ORDINANCE NO. 2004-15 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS**

President Castillo announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirm reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke to the issue and expressed concerns.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2004-62, 2004-63 and 2004-64 hereby adopted, and the above entitled Bill No. B-15 adopted as Ordinance No. 2004-15, by the

following vote:

143-60

2/24/04

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

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(10:10 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 62, FINAL TRACT MAP NO. 5189

- 1. RESOLUTION NO. 2004-65 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION NO. 2004-66 - CALLING A SPECIAL MAILED BALLOT ELECTION**
- 3. RESOLUTION NO. 2004-67 - DECLARING ELECTION RESULTS**
- 4. BILL NO. B-16 - ORDINANCE NO. 2004-16 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS**

President Castillo announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirm reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke to the issue and expressed concerns.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2004-65, 2004-66 and 2004-67 hereby adopted, and the above entitled Bill No. B-16 adopted as Ordinance No. 2004-16, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

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UNSCHEDULED ORAL COMMUNICATIONS

APPEARANCE BY BARBARA HUNT REGARDING ECONOMIC REPORT OF GOVERNMENT, THE FBI INVESTIGATION, AND TRANSFER STATION CONCERNS

Appearance made; no action taken.

APPEARANCE BY GLORIA TORREZ (1) ENCOURAGING ALL REGISTERED VOTERS TO VOTE ON MARCH 2ND, (2) NEED FOR FUNDS FOR IMPROVED TRANSIT SERVICES, (3) NEED FOR ELECTED OFFICIALS TO REPRESENT ALL CITIZENS, RICH OR POOR, (4) SUPPORT FOR SAL QUINTERO AND LISA QUIGLEY, AND (5) SUPPORT FOR INVESTIGATION OF ELECTED OFFICIALS

Appearance made; no action taken.

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(10:20 A.M.) HEARING ON PLAN AMENDMENT NO. A-03-08, REZONE APPLICATION NO. R-03-50, AND ENVIRONMENTAL FINDINGS, FILED BY EPHESIANS MANAGEMENT GROUP, PROPERTY LOCATED ON THE SOUTH SIDE OF W. DAKOTA WEST OF N. TEILMAN AVENUE IN COUNCIL DISTRICT 1

- 1. CONSIDER AND ADOPT FINDING OF A MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-03-08/R-03-50**

2. RESOLUTION NO. 2004-68 - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE FRESNO HIGH-ROEDING COMMUNITY PLAN

3. BILL NO. B-17 - ORDINANCE NO. 2004-17 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT SITE FROM R-A TO R-2-A

143-61

2/24/04

President Castillo announced the time had arrived to consider the issue and opened the hearing. A Planning & Development Department staff member reviewed the issue as contained in the staff report as submitted and recommended approval.

Speaking to the issue were: Dirk Poeschel, on behalf of the applicant, who gave an overview of the property and the project and requested approval; Cathy Meling, representing the owner of property at 3705 N. Teilman, who expressed various concerns; Barbara Hunt, 2475 S. Walnut, support; and Wes Janka, who expressed various concerns.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Mr. Poeschel and Ms. Meling responded to questions and comments of Councilmember Boyajian relative to Quigley Park being a safe park, the subject site being a nuisance area, if sidewalks would be constructed, planned exit points, if a wall would be constructed to separate multi-family from residential, number of units planned, parking, if this would be a gated facility, and if Ms. Meling was satisfied with the representative's responses and felt concerns would be mitigated.

On motion of Councilmember Boyajian, seconded by Councilmember Duncan, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-03-08/R-03-50 dated January 14, 2004, hereby approved; the above entitled Resolution No. 2004-68 hereby adopted; and the above entitled Bill No. B-17 adopted as Ordinance No. 2004-17, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
None	:	None
Absent	:	None

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(10:30 A.M.) HEARING ON REZONE APPLICATION NO. R-03-17 AND ENVIRONMENTAL FINDINGS, FILED BY LENNAR HOMES, PROPERTY LOCATED ON THE SOUTH SIDE OF W. HERNDON BETWEEN THE N. GRANTLAND DIAGONAL (ALIGNMENT) AND N. POLK AVENUE IN COUNCIL DISTRICT 2

1. CONSIDER AND ADOPT FINDING OF A MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-03-17/T-5141

2. BILL NO. B-18 - ORDINANCE NO. 2004-18 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SITE FROM AE-5/UGM TO R-1/EA/UGM

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Chamberlain reviewed the issue as contained in the staff report as submitted and recommended approval.

Timothy Jones, 2445 Capitol, representing Lennar Homes, stated this was a good project for the area and requested approval.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Councilmember Calhoun spoke briefly in support and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Dages. Planning Manager Haro responded to questions/comments of Councilmember Boyajian relative to whether the developer would pay towards traffic signals, if widening of nearby roads was planned, the project being close to the Herndon exit at Freeway 99 and why a proportional nexus fee was not being imposed, and impacts that will results from the project **(4 - 0)**.

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. R-03-17/T-5141 dated January 14, 2004, hereby approved, and the above entitled Bill No. B-18 adopted as Ordinance No. 2004-18, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Perea, Sterling, Castillo
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Noes : Boyajian
Absent : None

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(4-A) SCHEDULED PUBLIC COMMENT - APPEARANCE BY HARLEY TURNER TO DISCUSS APPLICATION NO. A-04-02 FILED BY DERREL'S MINI STORAGE (* NOTE - SPOKE TO THE FBI INVESTIGATION AND NOT DERREL'S)

143-62

2/24/04

Mr. Turner expressed his concern with the FBI investigation stating it was casting dispersion in the wrong way and he resented the implication that City Hall was "crooked", and stated an outside ethics committee needed to be established to review the issue and offered his service. There was no discussion or action taken.

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RECESS - 10:58 A.M. - 11:19 A.M.

(11:00 A.M.) RECEIVE ECONOMIC DEVELOPMENT CORPORATION (EDC) ANNUAL ASSESSMENT REPORT FOR FISCAL YEAR 2003

- 1. RESOLUTION - APPROVING THE APPROPRIATION OF \$300,000 FROM CONTINGENCY FOR RENEWAL OF THE CONTRACT WITH THE FRESNO COUNTY ECONOMIC DEVELOPMENT CORPORATION**
- 2. AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH THE ECONOMIC DEVELOPMENT CORPORATION FOR FISCAL YEAR 2004**

Economic Development Director Burkhardt reviewed the issue as contained in the staff report as submitted and recommended approval of the resolution and execution of the agreement

EDC Director Spaur advised he, Chairman of the Board Doug Davidian, Immediate Past-Chairman Rich Olsen, Vice-Chair Doug Jensen, and Chris Reinhardt were present to answer any questions. Mr. Davidian spoke to his involvement with the EDC, to issues that need to be addressed and to EDC's commitment, and stated EDC would provide results.

Councilmember Duncan stated as the Council representative on the EDC Board he had seen the EDC grow as the community has grown and has seen the EDC do a good job, stated there were tremendous challenges and the EDC was a critical part of the team and the process and provided very valuable services, and made a motion to approve staff's recommendation, which motion was seconded and later acted upon.

Extensive discussion ensued. Councilmember Boyajian spoke to the issue and stated more seminars by the city's Economic Development Department (EDD) and money towards the empowerment zone were needed to help the EDC. Councilmember Dages stated he was extremely disappointed with the EDC and elaborated at length, stressed he wanted to see performance and accountability, and spoke to the need to leave some of the \$300,000 in-house and recommended \$180,000 be appropriated to the EDC and \$120,000 be left to the EDD. Councilmember Sterling stated she was concerned about the Regional Jobs Initiative (RJI) and she wanted to see a guaranteed amount put into that area, with Mr. Spaur responding, and stated she was supportive of the EDC, stated accountability was needed, and requested EDC's quarterly reports be submitted to Council. Councilmember Calhoun stated he was supportive of staff's recommendation because March was almost here, this was an issue of fairness, and EDC deserved their funds; stated FY 2005's contract with the EDC would be less than \$300,000 but with incentives and added the model proposed by Councilmember Dages made sense but not for this year; urged support of the motion because the EDC had performed their function; and reiterated a different model would be looked at next year. Councilmember Duncan concurred stating the EDC has provided services for eight months and next year was the time to deal with a different model; also stressed this was an issue of fairness; and spoke in support of the EDC, how they promoted the region, to their role of sales and marketing, to their hiring a public relations firm, and to the need to recognize the work they have done for the city.

Mr. Spaur responded to questions/comments of Acting President Perea and Councilmember Boyajian relative to what the EDC's role was in the RJI, how EDC will fit into implementing the RJI, where the \$300,000 would go at this point **(5 - 0)**, need for the City and the EDC to maximize resources and not duplicate services, concern with the lack of Council authority over the funds appropriated and how to respond to the taxpayers, confusion over comments about the "lack of communication" and the EDC "doing a great job", if the EDC had already spent the \$300,000, and Council being in awkward position due to Council discussion last year about the need for a some change

and the Mayor and Councilmember Duncan's support to proceed. Assistant City Manager Souza stated some expectations were not met on both sides, advised staff would come back with a new game plan for next year with roles clearly defined so there will be no misunderstandings, confirmed there was some overlapping by all at some point, and clarified the goal was to learn from this and the Mayor was supportive of closing out this year. Councilmember Sterling concurred and added the city was growing and building relationships and questioned what the benefit would be of not going forward.

Acting President Castillo started to ask questions whereupon the following action was taken.

143-63

2/24/04

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, a lunch recess hereby approved and Council to reconvene at 2:00 p.m. and continue their consideration of the matter, by the following vote:

Ayes : Calhoun Dages, Sterling, Castillo
Noes : Boyajian, Duncan, Perea
Absent : None

LUNCH RECESS - 12:27 P.M. - 2:03 P.M.

(11:00 A.M.) RECEIVE ECONOMIC DEVELOPMENT CORPORATION (EDC) ANNUAL ASSESSMENT REPORT FOR FISCAL YEAR 2003

1. RESOLUTION NO. 2004-69 - APPROVING THE APPROPRIATION OF \$300,000 FROM CONTINGENCY FOR RENEWAL OF THE CONTRACT WITH THE FRESNO COUNTY ECONOMIC DEVELOPMENT CORPORATION

2. AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH THE ECONOMIC DEVELOPMENT CORPORATION FOR FISCAL YEAR 2004 **(CONTINUED FROM EARLIER)**

Proceedings continued. Mr. Spaur, Assistant City Manager Souza and City Attorney Montoy responded to questions of President Castillo and/or clarified issues relative to EDC staff for the different clusters, if EDC felt staffing for the RJI was adequate, specifics seen in terms of progress with the RJI, and numerous other questions relative to implementation of the RJI including measuring results. President Castillo questioned why cluster results/measurements could not be made a part of this contract, with City Attorney Montoy and Attorney/EDC Vice Chair Jensen recommending language that could be added to Bullet Points 2 and 3 of Exhibit A, Scope of Services, which language additions were accepted by the motion-maker.

(6 - 0) Mr. Spaur and Mr. Burkhardt responded to questions and/or comments of Councilmember Dages relative to the number of attraction projects, active projects, number of deals lost and how to prevent that, companies landed, if EDC will be able to keep up with what the agreement calls for, and desire to see 12 companies landed annually.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the assessment report of the Economic Development Corporation's annual report for Fiscal Year 2003 hereby received; the above entitled Resolution No. 2004-69 hereby adopted; and the City Manager authorized to execute the agreement with the Economic Development Corporation for Fiscal Year 2004, as amended, as follows, adding the underlined italicized language to Exhibit A of the Agreement, Scope of Services, as follows: Bullet Point #2 - "EDC shall prepare a written operating plan, including performance goals, and specific EDC role within Regional Jobs Initiative (RJI) implementation.", and to Bullet Point #3, "EDC shall prepare and distribute a written annual report of its activities, including implementation of the Regional Jobs Initiative.", by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Castillo
Noes : Dages
Absent : None

(2:00 P.M. #2) CLOSED SESSION

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. JULIAN CELAYA III, ET AL. V. COF, ET AL, USDC CASE #CV-F-02-5874-OWW SNS
2. YOLANDA SALAZAR V. COF
3. COF FRESNO V. CHERTA FARMS, INC., ET AL.

(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION - CASE NAME: SHAW ENVIRONMENTAL, INC. V. COF

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©) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: COF V. MAULDIN DORFMEIER CONSTRUCTION, INC., ET AL

The City Council met in closed session in Room 2125 at the hour of 2:35 p.m. to consider the above matters and reconvened in regular open workshop session in meeting Room "A" at 3:46 p.m.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Montoy announced in the matter of Item "B", Shaw Environmental v. COF, the City Council approved a settlement with key points on a vote of 7-0; and relative to Item "C", COF v. Mauldin Dorfmeier, and Chief Assistant City Attorney Sanchez advised Council took action to direct the City Attorney's office to initiate litigation.

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(3:15 P.M.) WORKSHOP REGARDING SOCIAL SERVICES FUNDING PROCESS AND DIRECTION TO STAFF TO RETURN WITH FINAL DOCUMENTS - ACTING PRESIDENT PEREA AND COUNCILMEMBER STERLING (MEETING ROOM "A")

(Tape A) Acting President Perea and Councilmember Sterling gave a brief overview of the issue as contained in the memorandum to Council as submitted, and thanked the Human Relations Commission, involved staff and the non-profits who responded for their assistance and input. Acting President Perea stated the purpose of the workshop was to get a consensus on the proposed application form and discuss and answer the five questions in the memorandum, stated if a consensus is reached a final report would come back at the next meeting for adoption, and along with Executive Analyst Sparks and HRC Members Gaston and Catalano responded to questions of Councilmember Calhoun relative to whether HRC Consultant Jim Aldredge had been involved in this process, who provided input, and who reviewed the draft material that was before Council this date.

Upon question of Councilmember Boyajian, Tim Reese stated he liked the application and it was very clear, spoke to the importance and need for Council to honor the process and explained, encouraged Council to fund fewer agencies and to be fair with the funding, and spoke to the unfairness of agencies submitting multiple applications due to limited funds and to the importance and in support of visiting sites.

Councilmember Boyajian spoke to the need to have criteria on where the money goes and stated his priorities were the elderly, the disabled, underprivileged children and programs that mitigate crime and keep kids occupied. Acting President Perea advised a memo was received from Roger Palomino of EOC relative to setting cornerstones and advised Mr. Palomino's feeling was services that support the operations and business of the city of Fresno should be targeted for funding.

Upon question of Acting President Perea, Chief Assistant City Attorney Sanchez stated Council could give direction to staff this date and/or identify general parameters/guidelines to incorporate into the draft process for finalization. Assistant City Manager Souza questioned who "staff" was/who would conduct the work/report back, with President Castillo stating he wanted to see all the information/suggestions gathered and included in a report that would come back to Council at the next meeting and that Council would then give direction and take a formal vote. Mr. Catalano spoke to the need for Council to identify cornerstones and give clear direction so the HRC can stay focused and know where to go.

Acting President Perea, Ms. Gaston, Councilmember Sterling and Mr Catalano responded to Councilmember Dages who presented questions and requested clarifications and language definitions at length on the guidelines, programs that could be included/would be

excluded, and agencies funded from other sources. Councilmember Dages stated he did not support cutting funding from agencies who have been funded for years, spoke to the “constant fight” for funds and stated he wanted to see a simplified process so Council members do not “take the heat” from the non-profits, spoke to his overall support of social service funding, and stated he did not want to discourage new agencies from applying for funds.

Councilmember Duncan stated his cornerstones were children, crime victims, and organizations that support the mission of the Regional Jobs Initiative (RJI), and relative to the guidelines and types of proposals that will be sought pointed out “innovative” implied “new” and stated the HRC needed to realize that there were older/experienced agencies with great experience that gave better pay back.

Susan Bechara, House of Hope, spoke to the minimal amount of dollars available, stated agencies should not be dependent on the funds and emphasized the funds allocated should be seed money, and spoke to the need to make all the providers aware that they all needed to work together to meet the needs of the community.

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Acting President Perea stated his cornerstones were emergency services, senior services, and youth services. Councilmember Boyajian spoke briefly to the importance of agencies being self-sufficient and pointed out one-time dollars can help agencies be self-sustaining if they are given the mechanism to do so, with Ms. Bechara concurring and speaking briefly to the issue (*Tape “B”*). Councilmember Duncan stated the RJI might not be an appropriate cornerstone and questioned if a question could be included in the application process asking how the agencies support the mission and goals of the RJI; and relative to the term *social service funding* suggested it be renamed *social service grants* which he stated would really re-define it and identify it as a one-time thing. Mr. Catalano concurred with the renaming issue and relative to the RJI proposal stated the sub-committee would discuss it. Councilmember Dages stated his cornerstones were youth/children, veterans, the disabled, the homeless, and seniors. Councilmember Sterling spoke to her work on the RJI job readiness cluster and advised the area of drug testing and rehabilitation programs was discussed extensively and that was one way the HRC could coordinate the RJI and have it as a cornerstone; and spoke briefly to the need to have checks and balances before agencies are funded.

ANSWERS TO THE FIVE QUESTIONS:

- #1. A set of cornerstones that will be used as the criteria for awarding funding
Cornerstones given throughout discussion.
- #2. Limiting the number of agencies that receive funding.
Consensus to not limit the number of agencies that receive funding
- #3. Equalizing the amount of funding across all agencies.
Consensus to tie funding to a point system -- no equalized funding.
- #4. Establishing a funding cap for agencies that submit requests for multiple projects
Eliminated.
- #5. The implementation of site visits as part of the interview process
Consensus to make site visits part of the interview process.

A final report to Council from the HRC on the social service funding process was set for the March 9th Council meeting.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 4:48 p.m. having arrived and hearing no objections, President Castillo declared the meeting adjourned.

APPROVED on the ____9th____ day of ____March____, 2004.

_____/s/_____
Brad Castillo, Council President

ATTEST:

_____/s/_____
Yolanda Salazar, Assistant City Clerk

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